रजिस्ट्री सं० डी० 221 REGISTERED No. D. 2[illegible]

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, शुक्रवार, नवम्बर 27, 1970/अग्रहायण 6, 1892 (शक)
No. 51] NEW DELHI, FRIDAY, NOVEMBER 27, 1970/AGRAHAYANA 6, 1892 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 27th November, 1970:—

BILL No 116 OF 1970

A Bill to provide for legal aid to workers in matters arising out of their employment in factories.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title; extent and commencement.

1. (*1*) This Act may be called the Employees Legal Aid Bill, 1970.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date and in such period as the Central Government may, by notification in the official Gazette, declare.

Definitions.

2. In this Act,—

(*a*) "factory" means a factory as defined in clause (*m*) of section 2 of the Factories Act, 1948; 63 of 1948.

(*b*) "legal adviser" means a legal practitioner appointed as such by the State Government in accordance with this Act;

(*c*) "legal aid fund" means a fund created under this Act;

(*d*) "local bar" means the Association of the legal practitioners of the sub-division or the District Courts within the jurisdiction of which the factory is situated;

(*e*) "occupier" of a factory means an occupier as defined in clause (*n*) of section 2 of the Factories Act, 1948; 63 of 1948.

(*f*) "worker" means a person as defined in clause (*l*) of section 2 of the Factories Act, 1948. 63 of 1948.

Legal Adviser.

3. In every factory where one hundred workers are working or were working on any day of the preceding six months, there shall be a legal adviser to advise and act for the workers in their legal affairs concerning labour, employment and such other matters arising out of such employment in the factory.

Appointment and qualifications of legal adviser.

4. The Central or State Government, as the case may be, shall appoint the legal adviser from amongst the legal practitioners of the local bar having a minimum of five years' standing legal practice and such other requisite legal qualifications, for one or more factories, for such period, as may be prescribed by rules:

Provided that no such legal practitioner shall be appointed as legal adviser for such number of factory or factories as would concern more than one thousand employees.

Payment to legal adviser.

5. The legal adviser shall be paid out of the legal aid fund contributed in equal shares by the Central or State Government, as the case may be, and by the occupier and the workers in the manner prescribed by rules.

Restriction on the legal adviser.

6. Notwithstanding anything contained in this Act, the legal adviser in his capacity as such shall not act in such legal disputes in which personal or proprietory interests other than those arising out of employment of the workers are involved with the occupier, but he may do so in his capacity as independent legal practitioner.

Power to make rules.

7. The Central Government may make rules prescribing for the qualification, terms of office, mode and manner of payments to the legal advisers, the composition, custody and realisation of the legal aid fund and such other matters relating to the enforcement of the Act.

STATEMENT OF OBJECTS AND REASONS

Indian labour laws do not provide for legal assistance to the employees. Although under the said laws their rights, opportunities and facilities have been created but in the absence of proper legal guidance, the employees do not get such of their rights always protected from being assailed upon. There is, therefore, need to arrange for proper legal aid to the employees.

Hence this Bill.

NEW DELHI; SARDAR AMJAD ALI

The 19th October, 1970.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to provide that the Central Government will contribute to the legal aid fund to be constituted under the Act. This will involve some expenditure from the Consolidated Fund of India. The recurring expenditure on this account is expected to be about 75,00,000 rupees. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill authorises the Central Government to make rules to carry out purposes of the Act. These rules may relate to qualifications, terms of office, mode of payments to the legal advisers, the composition, custody and realisation of the legal aid fund. These are matters of detail which cannot be provided in the Act. The delegation of powers is of normal character.

BILL NO. 118 OF 1970

A Bill to provide for the prevention of State and Central lotteries

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title. and commencement.

1. (*1*) This Act may be called the Prevention of Lotteries Act, 1970.

(*2*) It shall come into force on the date it receives the assent of the President of India.

Definition.

2. In this Act, unless the context otherwise requires, "State Lottery" means a lottery floated by or under the auspices of a State Government or the Union Government.

Prevention of Lotteries.

3. Floatation of State lotteries, being repugnant to public morals, is hereby banned.

Punishment.

4. Any person, directly or indirectly promoting a State Lottery shall be punishable with simple imprisonment upto two years or with a daily fine of one thousand rupees till the floatation of the said lottery is with drawn.

STATEMENT OF OBJECTS AND REASONS

State lotteries have been floated by practically every State and are a form of gambling practised on a national scale. It is making people addict to such floatations, just as people become addict to liquor.

It is an unhealthy and unbecoming way of raising funds for the exchequer. The States are shy of imposing taxes but are prepared to indulge in such practices. It is likely that this practice may spread to the Central Government. It is, therefore, necessary in the interests of public morals and public decency that under a Central Act, operative throughout India, the evil of State lotteries is curbed.

NEW DELHI;

The 18th August, 1970.

KAMALNAYAN BAJAJ.

BILL No. 115 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1970.

Amendment of article 58.

2. In article 58 of the Constitution, in sub-clause (*b*) of clause (*1*), for the word "thirty-five", the word "thirty" shall be substituted.

Amendment of article 157.

3. In article 157 of the Constitution, for the word "thirty-five", the word "thirty" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The time demands that the youth of India should be given more opportunities to shoulder the highest responsibilities of the State. As the demand of the youth is to lower the voting age limit to eighteen years (from the present twenty-one), so the doors of Indian Presidency and Indian Governorship should be opened to the youth by lowering the minimum age requirement to thirty years from the present requirement of thirty-five years.

Hence the Bill.

NEW DELHI; SHIVA CHANDRA JHA.

The 26th October, 1970.

BILL No. 117 OF 1970

A Bill further to amend the Code of Criminal Procedure, 1898

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title, commencement and extent.

1. (*1*) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1970.

(*2*) It shall come into force at once.

(*3*) It shall extend to the whole of India.

Amendment of section 4.

2. In sub-section (*1*) of section 4 of the Code of Criminal Procedure, 1898, (hereinafter referred to as the Code) after clause (*s*), the following clause shall be inserted, namely:— 5 of 1898.

'(*ss*) "political prisoner" means any person taken into custody, detained or convicted in the course of a political movement, or in the course of a civil disobedience movement or satyagraha launched by any political party, or any person taken into preventive or other

custody in order to prevent him from taking part in a political movement, or a person arrested in the course of a strike or other agitation of the working people or a person taken into preventive or other custody to prevent the working people from taking part in a strike or other forms of direct action, and any other person who may be so defined by the Union or State Governments.

Addition of new section 566.

8. After section 565 of the Code, the following section shall be added, namely:—

Classification of political prisoners.

"566. A political prisoner shall be treated as a class I prisoner and all orders pertaining to his custody, remand or conviction shall contain specific instructions to that effect."

STATEMENT OF OBJECTS AND REASONS

Satyagraha and civil disobedience are the ways the father of the Nation taught the people of the world to resist injustice and to fight for justice. The fight for justice in the political, social and economic spheres is a continuous process. In India, as elsewhere in the world, political parties, trade unions and other social institutions are engaged in this struggle, and often have to take recourse to strikes, satyagraha and civil disobedience. The Bill seeks to recognise the significance of these struggles in our body politic by giving a special classification to all those who may be arrested or convicted in these struggles.

NEW DELHI;

The 21st October, 1970.

GEORGE FERNANDES.

FINANCIAL MEMORANDUM

Clause 3 of the Bill is likely to result in enhanced expenditure from the Consolidated Fund of India on account of Jails in the Union territories. Though exact estimate of the expenditure is not possible, yet the amount is not likely to exceed rupees ten thousand annually. There will be no non-recurring expenditure.

BILL No. 111 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.

2. In article 145 of the Constitution, in clause (*1*), the words "with the approval of the President" shall be omitted. Amendment of article 145.

STATEMENT OF OBJECTS AND REASONS

The internal working of the Judiciary should be its own concern; in the case of the Supreme Court, rules regulating its practice and procedure should be its exclusive concern. To require such rules to be subject to the approval of the President, is to give the appearance by implication of the Executive's interference in the working of the Court. To eliminate the possibility of such interference and to remove any possible grounds for suspicion of such interference, this Bill is being proposed.

NEW DELHI; NATH PAI.

The 22nd October, 1970.

BILL NO. 112 OF 1970

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.

2. In article 356 of the Constitution, in clause (*1*), after part (c)— Amendment of article 356.

(i) the following new proviso shall be inserted, namely:—

"Provided that where a question arises as to whether the Chief Minister of a State enjoys a majority in the Legislature of

the State, the fact of such a question having arisen shall not be regarded as a situation in which the government of the State cannot be carried on in accordance with the provisions of the Constitution and that such question shall be submitted to the Legislative Assembly of the State for its decision.";

(*ii*) in the existing Proviso, after the word "Provided", the word "further" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

More than once in the recent past the question has arisen whether the Chief Minister of a State enjoys a majority in the State's Assembly or not. Once such a question arises, it should be settled on the floor of the House. The tendency on the part of the Governors has been to side-track the Legislature and to decide issue according to their own predilections preferences and prejudices. Cases are not rare where the Governor has recommended the imposition of President's rule in a manner and under circumstances such as to create grave doubts about his impartiality and objectivity. It is essential to ensure that under no circumstances the will of the Legislature is thwarted and the Assembly alone remains the arbiter of the future of the Government.

The Bill seeks to achieve this.

NEW DELHI; NATH PAI.

The 22nd October, 1970.

BILL NO. 113 OF 1970

A Bill to amend President and Vice-President Elections Act, 1952

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Presidential and Vice-Presidential Elections (Amendment) Act, 1970. Short title.

31 of 1952. 2. In the Presidential and Vice- Presidential Elections Act, 1952, in section 5, the following new sub-section shall be inserted:— Amendment of section 5.

"(3) Each candidate shall make and subscribe before the Returning Officer or some person authorised in that behalf by the Election Form of Oath or Affirmation.

Commission an oath or affirmation in the form set out below and attach to the nomination paper a certificate to that effect from the officer administering the oath or affirmation, in the absence whereof the nomination paper shall not be deemed to be duly completed:

'I, A.B., having been nominated as a candidate to fill the office of
swear in the name of God
the President/Vice-President of India do
solemnly affirm
that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India'.".

STATEMENT OF OBJECTS AND REASONS

Every citizen seeking an elective office is required at the time of filing nomination papers to take the oath to maintain the territorial integrity of the country. By what must obviously be regarded as an oversight, candidates seeking election to the offices of the President and the Vice-President of the Republic are free from this obligation. This is an omission pregnant with far-reaching consequence. The amendment seeks to do away with this anomaly.

NATH PAI.

NEW DELHI;
The 22nd October, 1970.

S. L. SHAKDHER,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1971